104-10322-10149

JFK ACT
05-23-99
RELEASE

TRANSMITTAL SLIP | DATE: 21 August 1978

TO: E. R.

ROOM NO.	BUILDING
7E12	Hqs.

REMARKS:

FROM: S. D. Breckinridge

ROOM NO.	BUILDING	EXTENSION

FORM NO 241 1 FEB 55 REPLACES FORM 36-8 WHICH MAY BE USED. (47)

CIA HISTORICAL REVIEW PROGRAM
RELEASE IN FULL

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OLC # 78-5105

CIA HISTORICAL REVIEW PROGRAM
RELEASE IN FULL
1999

18 August 1978

Executive Registry
78-2358

MEMORANDUM FOR : Deputy Director of Central Intelligence

FROM : S.D. Breckinridge

SUBJECT : Proposed Letters to Potential Agency Witnesses

1. Action Requested: That you review the attached draft letters to present and former Agency employees for use in the near future.

2. Background: The question of preparing a notice to former employees about their non-authorization to testify on classified matters at public hearings had been considered earlier. Attached are draft letters prepared by the Office of the General Counsel.

3. My only problem with the letters is the last sentence in the next to last paragraph in each of them. I believe it desireable that the statement to the effect that the Agency will intercede in behalf of the employee be replaced by a statement that you or the Director, personally, will intercede in their behalf if necessary.

4. Recommendation: That the attached letters be reviewed for approval in the event that the decision is taken to send them to potential witnesses. Your particular attention to the question of intercession, as noted above, is requested.

S.D. Breckinridge

Attachments (A&B)

APPROVED: signed per OLC - but no date
Deputy Director of Central Intelligence

DISAPPROVED: _____
Deputy Director of Central Intelligence

DATE: _____

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OLC/SDBreckinridge:hfs (18 August 1978)

Distribution:
1 - DDCI w/att
1 - ER w/att
1 - Legislative Counsel w/att
1 - SA/DDCI w/att
1 - DDA w/att
1 - DDO w/att
1 - General Counsel w/att
1 - DDS&T w/att
1 - OLC/Subj. w/att
1 - OLC/Chrono. w/o att

PRESENT EMPLOY

Dear _____,

This letter concerns your contact with the House Select Committee on Assassinations (HSCA) and its staff members. You, of course, have been contacted by representatives of the Committee, in conjunction with its investigation into the deaths of President John F. Kennedy and the Rev. Martin Luther King, Jr.

As part of the Agency's effort to be fully responsive to the Committee's investigation, you were authorized to disclose classified information to Committee representatives. This was possible because of arrangements worked out between the Agency and the Committee whereby the Committee would obtain this information in secure surroundings and handle it properly once it was acquired.

The Committee has now begun its scheduled public hearings in conjunction with the investigation. These hearings are expected to continue over the next several months. The Agency, of course, has no way of knowing whether you will be called to appear during these public hearings.

You are hereby advised that the Agency's agreement with the Committee under which you have been authorized to disclose classified information to Committee representatives does not extend to public circumstances. Consequently, you are not authorized to disclose classified information during any public hearing in which you may be called to appear.

If you are called to appear in these hearings, and if you are asked a question which would require that you disclose classified information, you are entitled to point out this fact to the Committee and indicate that you are not authorized to reveal classified information in public circumstances. You should also indicate to the Committee that you are quite prepared to answer the question in an executive session, and you may request that the Committee convene such a session to hear your response.

If the Committee were to insist upon your testimony at this point, you are entitled to request that the Committee grant you an opportunity to confer with the Director of Central Intelligence before answering the question.

It is my opinion that the Committee would not continue to insist in the face of these responses from you. However, were it to do so, you are hereby directed not to reveal any classified information during a public hearing conducted by the Committee. You have my assurance that the Agency will act promptly to intercede in support of your position, in the event the Committee were to continue to demand classified testimony of you in a public session.

If you are notified that you are to appear before the Committee in these public hearings, you are to inform the Agency of this fact promptly. Please do so by making that information available to your immediate supervisor. If you have questions concerning this letter, please make that fact known to your supervisor and arrangements will be made for answering your questions.

Yours truly,

EX-EMPLOYEE

Dear _____,

The Agency's records indicate that you have been contacted by representatives of the House Select Committee on Assassinations (HSCA) in conjunction with the Committee's investigation into the deaths of President John F. Kennedy and the Rev. Martin Luther King, Jr.

As part of the Agency's effort to be fully responsive to the Committee's investigation, you were authorized to disclose classified information to Committee representatives. This was possible because of arrangements worked out between the Agency and the Committee whereby the Committee would obtain this information in secure surroundings and handle it properly once it was acquired.

The Committee has now begun its scheduled public hearings in conjunction with the investigation. These hearings are expected to continue over the next several months. The Agency, of course, has no way of knowing whether you will be called to appear during these public hearings.

You are hereby advised that the Agency's agreement with the Committee under which you have been authorized to disclose classified information to Committee representatives does not extend to public circumstances. Consequently, you are not authorized to disclose classified information during any public hearing in which you may be called to appear.

If you are called to appear in these hearings, and if you are asked a question which would require that you disclose classified information, you are entitled to point out this fact to the Committee and indicate that you are not authorized to reveal classified information in public circumstances. You should also indicate to the Committee that you are quite prepared to answer the question in an executive session, and you may request that the Committee convene such a session to hear your response.

If the Committee were to insist upon your testimony at this point, you are entitled to request that the Committee grant you an opportunity to confer with the Director of Central Intelligence before answering the question.

It is my opinion that the Committee would not continue to insist in the face of these responses from you. However, were it to do so, you are hereby reminded that you are not authorized to make public disclosure of classified information in these or any other public circumstances. You have my assurance that this Agency will intercede in support of your position in the event the Committee were to continue to demand classified testimony of you in a public session.

Of course, the Agency's ability to support your position, if that were to become necessary, depends upon our being aware that you are being called to testify. Therefore, if you are notified that you are to appear before the Committee in these public hearings, please notify the Agency of this fact promptly. You may do so by making a collect telephone call to the Agency's security duty officer, who can be reached at (703) 351-6161 at any time, day or night. If you have any questions concerning this letter, please indicate that fact to the duty officer, who will arrange for an appropriate Agency officer to return your call.

Yours truly,

ROUTING AND RECORD SHEET

78-2358

Proposed Letters re Potential Agency Witnesse

.D. Breckinridge		EXTENSION 1046	NO. OLC-78-5105
			DATE 21 August 1978

(Officer designation, room number, and g)	DATE RECEIVED	DATE FORWARDED	OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
OGC				
DCI				
HSB				

FILE - Spec Int. #8

☐ ~~SECRET~~ ☐ ~~CONFIDENTIAL~~ ☑ INTERNAL USE ONLY ☐ ~~UNCLASSIFIED~~